

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

THOMIS et al)
Plaintiffs,)
v.) Civil Action No.: 1:05-cv-11812-WGY
BRAZIL AMAZON TRADING, Inc., et al)
Defendants)

**PLAINTIFFS' REQUEST FOR ENTRY OF DEFAULT PURSUANT TO
F.R.CIV.P. 55(a)**

To the Clerk of the above-named Court:

I, Richard Thomas Davies, attorney for the above-named Plaintiffs, Marc Thomis and Charles Roberts, state that:

- 1) The Complaint in the above-entitled matter seeks a judgment for affirmative relief against the Defendants, Brazil Amazon Trading, Brunilda Obuhosky, et al;
- 2) On 9/2/05 the Complaint against Defendants Brazil Amazon Trading, Inc., Brazil Amazon Resources, Inc., and Brunilda Obuhosky was filed, and entered on 9/06/05;
- 3) The executed Summons was returned, showing Brunilda Obuhosky was served with a copy of the Complaint on 9/17/05, and an answer due 10/7/05;
- 4) On 10/04/05, Defendant Brunilda Obuhosky responded to the Complaint by filing a Motion For Stay and Motion to Compel Arbitration;
- 5) Obuhosky did not retain counsel to appear on her behalf, or on behalf of the named Corporate Defendants, in violation of Local Rule 8.5.2(d), nor did she identify her appearance as "pro se", in violation of Local Rule 83.52 (b), nor did she certify that she had conferred with counsel or Plaintiffs in good faith to resolve or narrow the issues pertaining to her motion, in violation of Local Rule 7.1(a)(2);

- 6) On 10/14/05 the Plaintiffs filed and served an Opposition to the Defendants' Motion;
- 7) On 10/18/05 the Court entered an Order Denying the Defendants' Motion Without Prejudice to its renewal on compliance with the Local Rules;
- 8) As of this date, the Defendant has failed to plead or otherwise defend as provided by F.R.Civ.P. 12(a)(4)(A), which states that if the Court denies a party's motion, the responsive pleading shall be served within 10 days after notice of the Court's action;

WHEREFORE, pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, Plaintiff requests that the Clerk enter the Defendants' default.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY,

Dated: 11/14/05

Respectfully Submitted,


Richard Thomas Davies, Esq.
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